

### **REMARKS/ARGUMENTS**

Reconsideration of this Application and entry of this Amendment is respectfully requested.

Claims 10-33 have been withdrawn. Claims 1-9 have been canceled. New independent claims 34-36, corresponding to canceled dependent claims 7-9, have been presented herewith and their entry is respectfully requested.

Claims 1-9 have been rejected under 35 U.S.C. §102(e) as being anticipated by Alvarado et al. (US Patent 6,530,950). As indicated above, independent claim 1 and dependent claims 2-9 have been canceled. Canceled claims 7-9 have been rewritten in independent form as new claims 34-36, respectively. Applicants maintain that these claims, as presented, are patentable over Alvarado et al. for the reasons set forth below.

In the Office Action under reply the Examiner has rejected claims 7 and 8 as anticipated by Alvarado et al. This rejection is respectfully traversed. The Examiner asserts that the stent system disclosed by Alvarado et al. comprises a plurality of bands that contain different therapeutic agents and that the plurality of bands are made of different polymers. Applicants maintain that a close reading of the passage cited by the Examiner (column 14, lines 1-25) does not disclose either of these features. Alvarado et al. discloses that "in another embodiment of the invention, the polymer members carries two therapeutic agents." This implies that two therapeutic agents are carried by the same polymer member. The instant invention as presented in new claim 34, corresponding to canceled claim 7, requires that the different therapeutic agents be present on different polymer members. This is what is meant by the use of the term "different" as opposed to "multiple" in claim 34. Applicants could not find any reference in the passage cited by the Examiner, or elsewhere in the Alvarado et al. patent, that the plurality of bands be made of different polymers, as required by new claim 35, corresponding to canceled claim 8. Accordingly, Applicants maintain that new claims 34 and 35, which replace

canceled claims 7 and 8 but in independent form, distinguish over Alvarado et al. and are patentable.

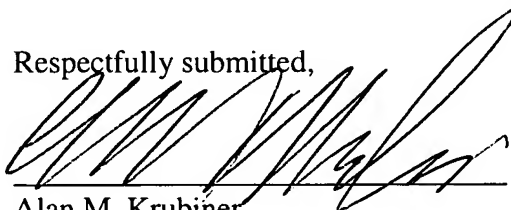
The Examiner has also rejected claim 9 as anticipated by Alvarado et al. This rejection is respectfully traversed. The Examiner maintains that Alvarado et al. disclose in Fig. 3 that "the band further comprises a first layer (42a) and a second layer (42b)...."

Applicants contend that this is an incorrect reading of Fig. 3 and the specification (column 12, lines 53-54), where it is clear that these features are flexible regions of the underlying stent, not layers of the polymer member. Accordingly, Applicants maintain that new claim 36, which replaces canceled claim 9 but in independent form, distinguishes over Alvarado et al. and is patentable.

### **Conclusion**

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. Issuance of a Notice of Allowance is respectfully requested. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at telephone (707) 543-5021.

Respectfully submitted,



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